

**Service Date: March 31, 1995****FINAL ORDER NO. 6361**

**DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
1701 Prospect Avenue, P.O. Box 202601  
Helena, Montana 59620-2601**

**IN THE MATTER OF Kurt Adam Slonka           )**  
**dba Captain's Chair, Kalispell, Montana,       )**  
**the application for a     Montana Intrastate       )     Docket No. T-94.103.PCN**  
**Certificate of Public Convenience and            )     Order No. 6361**  
**and Necessity.                                      )**

**The Commission, being fully advised in the premises, makes the following findings, conclusions and order:**

## **FINDINGS OF FACT**

**1. On November 3, 1994, Kurt Adam Slonka dba Captain's Chair, P.O. Box 7832, Kalispell MT 59904-0832, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:**

**Class B - Nonemergency medical and psychiatric patients from Flathead and Lincoln Counties to medical appointments at health care facilities in Missoula County and return; from Lincoln County to medical appointments at health care facilities in Flathead County and return.**

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 1, 1994. That notice said in pertinent part:

**If no written protests are received by December 21, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.**

**The application included affidavits of support.**

3. On December 21, 1994, Rocky Mountain Transportation, Inc., Whitefish, Montana filed a protest to the docket.

4. On January 19, 1995, Applicant restrictively amended the application to prohibit transportation of passengers in charter service, as well as limit transportation to that provided by vehicles with a passenger capacity of eight or less.

5. Notice of public hearing was issued February 28, 1995, with hearing scheduled for Wednesday, March 22, 1995, in Kalispell, Montana. Prior to that hearing, Applicant filed a motion to dismiss the protest of Rocky Mountain Transportation, Inc. based upon their standing to protest. The Commission granted the motion to dismiss.

6. On March 1, 1995, Flathead Area Custom Transportation, Inc., Kalispell, Montana and Mission Valley Medicab, St. Ignatius, Montana, filed Motions to Intervene as late filed protestants. The Commission denied the request for late filed intervention.

7. The hearing was subsequently vacated.

8. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

#### **CONCLUSIONS OF LAW**

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

**ORDER**

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 27th day of March, 1995, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.103.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Kurt Adam Slonka dba Captain's Chair, P.O. Box 7832, Kalispell MT 59904-0832 for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

**Class B - Nonemergency medical and psychiatric patients from Flathead and Lincoln Counties to medical appointments at health care facilities in Missoula County and return; from Lincoln County to medical appointments at health care facilities in Flathead County and return.**

**Limitations: 1) Transportation of passengers in charter service is prohibited. 2) Transportation is limited to vehicles with a passenger capacity of eight (8) or less.**

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

**THE FOREGOING ORDER** was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 27th day of March, 1995, by a vote of 5 - 0.

**BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.**

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**NANCY McCaffree, Chair**

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**DAVE FISHER, Vice Chair**

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**BOB ANDERSON, Commissioner**

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**DANNY OBERG, Commissioner**

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**BOB ROWE, Commissioner**

**ATTEST:**

**Kathlene M. Anderson**  
**Commission Secretary**

**(SEAL)**

**NOTE:** Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.